

In The United States District Court, Northern District
of Illinois, Eastern Division

FILED

JAN 17 2020 *tb*

Ayo Dunn, Plaintiff,

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

vs.

Case No. 19C0553

Sergeant Spears, et al. Defendant

Motion For Appointment of Counsel

Now comes plaintiff, Ayo Dunn, prose' before the Honorable Court to humbly request that the Court appoints counsel to represent plaintiff in this action. In support of this motion plaintiff states the following.

1. This Honorable Court has granted plaintiff leave to proceed as a poor person in this case. As a poor person, plaintiff is without financial resources to retain a lawyer to represent him.
2. Plaintiff is extremely limited in his abilities to competently litigate this case. Plaintiff reading and comprehension levels is below the the equivalence of the 10th grade.

3. Plaintiff has been unsuccessful in his efforts to obtain private counsel to take on this case on a pro bono basis. Plaintiff has written several attorneys, whom all have declined to represent plaintiff. (See attached exhibits)

4. Plaintiff has been relying on the assistance other detainees to draft his complaint, and even to write this motion. (See attached affidavit) Assistance from others that are incarcerated is not a reliable means of assistance, because the legal competence of these individuals are naturally questionable.

5. Without appointed counsel plaintiff will be unable to conduct himself properly through the discovery process. For example, there is various ~~the~~ evidence materials that plaintiff needs to obtain that are unavailable to him as a pretrial detainee. (This includes, but is not limited to, any video or audio materials in the possession of Sheriff Department of Cook County.

6. The Cook County Jail does not provide readily available legal assistance from

someone trained and familiar with the Federal Rules of Civil Procedure. The only assistance the jail provides is a process where the jail's librarian answers a maximum of three requests per week, per detainee; usually by translating the detainee's request into a search that is presented to the Lexis Nexis software for a response. There's no personal consultation, nor are detainees provided access to updated "paper" legal materials.

7. Plaintiff is completely ignorant of the the discovery rules.

8. Plaintiff's complaint does have merit.

9. Without professional legal representation, plaintiff is without means to gain meaningful access to the courts ~~the~~ to protect his constitutional rights.

Plaintiff states under penalty of perjury pursuant to 28 U.S.C. 1746 that the contents of this motion are true and correct to the best of his belief and knowledge.

Wherefore, plaintiff humbly prays that the Honorable Court enters an order directing that counsel be appointed to represent plaintiff in this case.

Respectfully submitted,

Ayo Donn, Plaintiff-Movant

20181017024

P.O. Box 089002

Chicago, IL

60608

Affidavit

I, Kevin Hamilton, certify under penalty of perjury that the following statements are being made by me, and that these statements are both true and correct according to the best of my belief and knowledge.

1. I am a pretrial detainee at the Cook County Jail, and has been thus continuously detained from August 21, 2018, until the present date of July 18, 2019.

2. I am presently housed in Division 8 of the jail, on the tier 3C. Ayo Donn was housed on this tier when he filed a complaint against a Sergeant Spears

3. When Ayo Donn filed his complaint, he asked me to help him write the complaint because he did not know what to do. I did in fact write the complaint for Ayo Donn.

4. After the filing of his complaint, Ayo Donn has been transferred to another tier.

5. Prior to last week (the week of July 8, 2019, I had not seen Ayo Dunn in approximately four months.

6. By chance, I "ran" into Ayo Dunn last week. At this time Ayo Dunn ask if I could assist him. I told him the most I could do at this time was write a motion for appointment of counsel.

7. I only have very limited formal education in paralegalism.

8. Due to the facts that Ayo Dunn and I live on separate tiers, I should be released from custody soon, I have limited legal training, and there is limited access to legal assistance and material at the jail, I could not provide adequate assistance to Ayo Dunn.

Respectfully submitted,

Kevin Hamilton

Kevin Hamilton-Affiant

20180821101

P.O. Box 089002

Chicago, IL

60608

Signed and

sworn to under

penalty of perjury

pursuant to 28 U.S.C. 1746

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

Ayo Dunn

Plaintiff

v.

Sergeant Spears

Defendant

Civil Action No. 19 CV 553

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Shahjehan Ahmad, M.D., Cook County Health, 1900 West Polk Street, Chicago, Illinois 60612

(Name of person to whom this subpoena is directed)

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Cook County State's Attorney's Office
500 Richard J. Daley Center
Chicago, Illinois 60602

Date and Time:

01/29/2020 10:00 am

The deposition will be recorded by this method: via Court Reporter

- ☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 12/31/2020

CLERK OF COURT

OR

/s/ Antonio Lee

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Cook County

, who issues or requests this subpoena, are:
ASA Antonio Lee, 50 W. Washington, Room 500, Chicago, IL, 60602, antonio.lee@cookcountyil.gov, 312-603-5439

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 19 CV 553

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any) Shahjehan Ahmad, M.D.
on (date) _____.

☒ I served the subpoena by delivering a copy to the named individual as follows: via certified mail - by placing
in mail at 500 Richard J. Daley Center with proper postage prepaid before 5:00 p.m.
_____ on (date) 12/31/2020 ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 12/31/2020

/s/ Antonio Lee

Server's signature

Antonio Lee

Printed name and title

Assistant State's Attorney
50 W. Washington - Room 500
Chicago, Illinois 60602

Server's address

Additional information regarding attempted service, etc.:

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UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

Ayo Dunn

Plaintiff

v.

Sergeant Spears

Defendant

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SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Gregory R. Haman, M.D., Cook County Health, 1900 West Polk Street, Chicago, Illinois 60612

(Name of person to whom this subpoena is directed)

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Date: 12/31/2020

CLERK OF COURT

OR

/s/ Antonio Lee

Signature of Clerk or Deputy Clerk

Attorney's signature

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Date: 12/31/2020

/s/ Antonio Lee

Server's signature

Antonio Lee

Printed name and title

Assistant State's Attorney
50 W. Washington - Room 500
Chicago, Illinois 60602

Server's address

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To: Jamie Crothers, Cook County Health, 1900 West Polk Street, Chicago, Illinois 60612

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/s/ Antonio Lee

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I declare under penalty of perjury that this information is true.

Date: 12/31/2020

/s/ Antonio Lee
Server's signature

Antonio Lee
Printed name and title
Assistant State's Attorney
50 W. Washington - Room 500
Chicago, Illinois 60602

Server's address

Additional information regarding attempted service, etc.:

Name: Ayo DUNN
ID#: 20181017024
Div: 8 Tier: 3-C
P.O. Box 089002
Chicago, IL 60608



01/17/2020-30



Office of
CLERK of the U.S. District Court
United States Court House
219 South Dearborn STREET
Chicago, ILLINOIS 60604

2020 JAN 17 AM 7:55 AC

LEGAL MAIL